

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

M.J.J.,

Plaintiff

vs.

Civil Action No. 15-cv-433-wmc

POLK COUNTY SHERIFF'S DEPARTMENT AND DARRYL L.
CHRISTENSEN,

Defendants,

and

WISCONSIN COUNTY MUTUAL INSURANCE CORPORATION,

Intervenor

J.K.J.,

Plaintiff,

Civil Action No. 15-cv-428-wmc

vs.

POLK COUNTY SHERIFF'S DEPARTMENT AND DARRYL L.
CHRISTENSEN,

Defendants,

and

WISCONSIN COUNTY MUTUAL INSURANCE CORPORATION,

Intervenor.

DEPOSITION OF
PETER JOHNSON
JUNE 2, 2016
9:55 A.M.

COPY

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EXHIBITS

DEPOSITION EXHIBITS: PAGE MARKED
No Exhibits were marked. --

(The original transcript is in the possession
of Mr. Weldner.)

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DEPOSITION OF Peter Johnson, taken on the
2nd day of June, 2016, commencing at 9:55 a.m., at Polk
County Justice Center, 1005 West Main Street, Balsam
Lake, Wisconsin, 54810, before Jean Dillon,
Professional Reporter and Notary Public.

APPEARANCES

MR. THOMAS J. WEIDNER and
MS. LIDA M. BANNINK, Attorneys at Law, from the
law firm of ECKBERG LAMMERS, P.C., 1809
Northwestern Avenue, Stillwater, Minnesota, 55082,
appeared as counsel for and on behalf of the
Plaintiffs.

MR. CHARLES BOHL, Attorney at Law,
from the law firm of WHYTE HIRSCHBOECK DUDEK,
S.C., 33 East Main Street, #300, Madison,
Wisconsin, 53701, appeared as counsel for and on
behalf of the Polk County Sheriff's Department.

MR. MARTIN J. DE VRIES, Attorney at
Law, from the law firm of SAGER & COLWIN LAW
OFFICES, S.C., 201 South Marr Street, Fond du Lac,
Wisconsin, 54936, appeared as counsel for and on
behalf of Darryl Christensen, present via
telephone.

MS. LORI M. LUBINSKY, Attorney at
Law, from the law firm of AXLEY BRYNELSON, LLP,
PO Box 1767, Madison, Wisconsin, 53701, appeared
as counsel for and on behalf of Wisconsin County
Mutual Insurance Company, present via telephone.

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Peter Johnson, having been first duly sworn,
was examined and testified as follows:

EXAMINATION

BY MR. WEIDNER:

Q Sir, my name is Tom Weldner. I represent two
individuals who were previously inmates in Polk
County Jail who have brought a claim against for
conduct that occurred at the jail. Are you
familiar with that?

A Yes, sir.

Q Have you ever had your deposition taken before?

A One time.

Q So you sort of understand the ground rules. Is
that fair to say?

A Yes, sir.

Q One of those rules is that you have to allow me to
ask the question before you start the answer. Is
that fair?

A Yes, sir.

Q And hopefully I'll afford you the same
opportunity, but if I don't, please remind me of
that as well.

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1 **A Very good.**

2 **Q** Sir, could you please state your full name for the
3 record?

A Peter Johnson.

4 **Q** And Mr. Johnson, you're currently the sheriff of
5 Polk County. Is that fair to say?

6 **A Yes.**

7 **Q** How long have you been the sheriff of Polk County?

8 **A Since January of 2011.**

9 **Q** Sir, could you tell me a little bit about your
10 employment history?

11 **A How far back do you want to go?**

12 **Q** Tell me about your employment history in law
13 enforcement.

14 **A I started in the Burnett County Reserve Corp in**
15 **1990, August of '90. I believe it was March of**
16 **'93 I was hired full-time for the City of Tomah**
17 **Police Department. While there I worked as both**
18 **the school liaison and as a patrol sergeant. I**
19 **came to Polk County in 1999 as a patrol deputy and**
20 **somewhere in 2006 or 2007 I was reassigned to**
21 **investigations, where I stayed until I was elected**
22 **sheriff. I was elected in 2010 and took office in**
23 **2011.**

24 **Q** What were your ranks -- what rank did you obtain

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1 with Polk County before becoming a sheriff?

2 **A I was a deputy assigned to investigations.**

3 **Q** Can you tell me about your education background?

4 **A I have a -- obviously I have a high school diploma**
5 **from Grantsburg in 1995. I obtained a Bachelor's**
6 **in Criminal Justice Administration through Mount**
7 **Senario in Ladysmith in '96. I'm currently in my**
8 **third year of law school at William Mitchell**
9 **Hamline School of Law.**

10 **Q** Are you a four year student?

11 **A Yes. I'm in my fourth year of the four year, but**
12 **the third year of the...**

13 **Q** Got it.

14 Tell me a little bit about your training
15 with Polk County, if you would, when you first
16 started as a patrol officer.

17 **A If I recall correctly, we had a short field**
18 **training program at the time. Currently for**
19 **patrol it's over 10 weeks. At the time I think it**
20 **was closer to four or five, but that was with**
21 **riding with the training officer and having them**
22 **explain the policies and procedures, going through**
23 **those after they were issued. And then it's**
24 **ongoing training. Minimum of the required 24**
25 **hours per year, but typically if you've shown**

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1 **interest in certain aspects of law enforcement,**

2 **the county has always been supportive of sending**
3 **you towards that.**

4 **Q** At any time during your employment for Polk
5 County, before you became sheriff, were you
6 involved in jail operations?

7 **A No.**

8 **Q** Have you ever had training in jail operations?

9 **A Very limited. I attended the National Sheriff's**
10 **Institute in Colorado, which is just a two week**
11 **course, where they did touch on some jail issues.**
12 **Nothing that I would call significant. And just**
13 **some of the new sheriff's training, they touch on**
14 **it but, again, it's nothing real in depth.**

15 **Q** When did you go to the National Sheriff's
16 Institute in Colorado?

17 **A That would have been, I think, the first year I**
18 **was in office.**

19 **Q** Was that 2011?

20 **A So probably some time in 2011.**

21 **Q** And where in Colorado?

22 **A Longmont, Colorado, I believe. It's north of**
23 **Denver.**

24 **Q** Did you still have the training materials that you
25 received at the National Sheriff's Institute?

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1 **A I doubt it.**

2 **Q** Do you recall what they trained you on with regard
3 to jail operations?

4 **A I believe it was more on just touching on it.**
5 **They had some pamphlets. The National Institute**
6 **had a lot of thick studies and different things**
7 **that they had, but we didn't go over that in depth**
8 **in any of the training. It basically was**
9 **promoting themselves as a resource for those**
10 **things.**

11 **Q** Did you use them as a resource for those things?

12 **A Limited. The way it works is the jail captain is**
13 **the administrator of the jail. They typically**
14 **handle all of the creation and the implementations**
15 **of the policies. The Chief Deputy supervises the**
16 **jail captain and then I have the overall view. So**
17 **I don't get down into a lot of the minutia of**
18 **running the jail.**

19 **Q** But you are ultimately responsible for the
20 operations of the jail. Correct?

21 **A Yes, sir.**

22 **Q** And you don't get into the minutia?

23 **A No.**

24 **Q** And does that minutia involve training?

25 **A Yes, I would say training is definitely the**

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1 **captain's area.**
2 Q That's minutia that you wouldn't get into?
3 A **No. Not unless an issue was brought to my attention.**
4 Q And in this thick packet of information that you
5 received at the National Sheriff's Institute, did
6 you review all of that information?
7 A **I don't know if I would classify it as a review.**
8 **More of a glance. While we were talking about it,**
9 **certainly I'd page through and look at it, but**
10 **there was a lot of material. I think it would be**
11 **pretty impossible for somebody to just sit down**
12 **and -- unless that was the area they were focusing**
13 **in on.**
14 Q About being a sheriff?
15 A **No. Focusing on that particular thing. The**
16 **sheriff is such as wide view of everything. We**
17 **aren't experts in anything. We're more of a**
18 **jack-of-all-trades where we know a little bit**
19 **about a lot of stuff, but we rely on the people we**
20 **hire to be the experts in those areas.**
21 Q Did you -- in the thick packet of information you
22 received, was there anything in there about jail
23 operations that you recall?
24 A **I think I answered that a couple of times. There**
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1 **was stuff, but I can't recall what exactly it was**
2 **or specific -- like I said, there were several**
3 **thick books that they offered. They didn't give**
4 **them to everybody. They just kind of showed what**
5 **they had available.**
6 Q Right. Although you think you might have answered
7 it, I think that's the only time I asked you
8 specifically about jail operations, jail
9 information. So if you misunderstood my question
10 earlier, I apologize.
11 A **And if I misunderstood it, I apologize.**
12 MR. CRANLEY: You guys are so nice.
13 MR. WEIDNER: That's because he's from my
14 alma mater.
15 BY MR. WEIDNER:
16 Q Other than the information that you received
17 there, have you had any other training in jail
18 operations, other than at the National Sheriff's
19 Institute?
20 A **Not specifically, no.**
21 Q Who is responsible in your administration for jail
22 operations?
23 A **The Jail Captain.**
24 Q And that's Captain Nargis?
25 A **Correct.**
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1 Q Does Captain Nargis report directly to you?
2 A **No.**
3 Q Who does Captain Nargis report to?
4 A **The Chief Deputy.**
5 Q What is the Chief Deputy's name?
6 A **Up until March of this year it was Steve Moe and**
7 **our Chief Deputy position has been empty since**
8 **March.**
9 Q Has Mr. Moe retired?
10 A **Yes.**
11 Q And no disrespect for calling him mister.
12 Tell me what Chief Deputy Moe's
13 responsibility was with regard to jail supervision
14 and operation?
15 A **Generally, in a sheriff's office the Chief Deputy**
16 **is responsible for the day-to-day operations of**
17 **all of the divisions. He is the direct supervisor**
18 **of each of the division heads, which includes the**
19 **jail. Generally, if the Jail Captain advises him**
20 **of an issue, then they would make the first**
21 **attempts at correcting or coming to a decision on**
22 **that. Typically if it's a decision that involves**
23 **budget or different utilization of personnel they**
24 **would come to me for approval, that kind of thing,**
25 **but the decisions would typically be made at that**
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1 **level.**
2 Q Do you know what experience or training Chief
3 Deputy Moe has in jail operations?
4 A **No.**
5 Q Did you review his background to determine whether
6 or not he maintained a certain level of expertise,
7 as you had indicated, in jail operations?
8 A **No.**
9 Q How long has Chief Deputy Moe been in his
10 position?
11 A **For 25 years.**
12 Q Is Chief Deputy an appointed position?
13 A **Yes.**
14 Q So who was the sheriff before you?
15 A **Tim Moore.**
16 Q How long was Tim Moore the sheriff?
17 A **I believe five years.**
18 Q Who was the sheriff before Tim Moore?
19 A **Ann Hraychuck, H-R-A-Y-C-H-U-C-K, I believe.**
20 Q How long was she the sheriff?
21 A **I believe she was also the sheriff for five years.**
22 Q Are they five year elected terms?
23 A **When Sheriff Hraychuck started, I think she had a**
24 **two year term and then the first four year term,**
25 **which she did not complete, because she was**
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1 **elected to the assembly.**
 2 Q And that's when Tim Moore --
 3 A **Tim Moore was appointed by the governor the first**
year and then he was elected to a four year term.
 4 Q Did you run against Sheriff Moore?
 5 A **No.**
 6 Q Did you --
 7 A **It was an open position. Sorry.**
 8 Q That's all right.
 9 Did you have an opponent in your election?
 10 A **Yes.**
 11 Q Who was the opponent in your election?
 12 A **The first election it was Sergeant Tim O'Hare.**
 13 Q Does Sergeant Tim O'Hare work for you?
 14 A **Yes.**
 15 Q What area does Sergeant Tim O'Hare work in?
 16 A **He's a patrol sergeant.**
 17 Q What about the second election?
 18 A **Jarod Cockroft, who is a St. Croix Falls officer.**
 19 Q Have you had any conversations with Sheriff Moore
 20 about jail operations?
 21 A **No.**
 22 Q Was it a friendly transfer of power, so to speak?
 23 A **Between he and I it was generally friendly. There**
 24 **were other conflicts. He didn't leave here with a**
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1 **general happy feeling by a lot of the department**
 2 **members, but he and I never had a problem.**
 3 Q Did he serve out his term?
 4 A **Yes.**
 5 Q Under Sheriff Moore, are you familiar with any
 6 problems associated with jail operations?
 7 A **Not specifically anything that I can recall. At**
 8 **the time his wife was the jail administrator and**
 9 **there were some issues just because of that.**
 10 Q Explain to me what you mean by that.
 11 A **Just that I think people had a perception that he**
 12 **was micromanaging, because his wife was the**
 13 **department head and likewise, that she was**
 14 **involved in things outside of her area of**
 15 **responsibilities, because she was married to him.**
 16 Q Was that Cynthia Moore? Is that correct?
 17 A **Yes.**
 18 Q And Cynthia Moore was the jail administrator?
 19 A **Yes.**
 20 Q Is that currently the role that Captain Nargis
 21 has?
 22 A **Correct.**
 23 Q Was Cynthia Moore also a licensed peace officer?
 24 A **I believe earlier in her career she was, yes.**
 25 Q Who was in their position first, Tim Moore or
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1 Cynthia Moore?
 2 A **Cindy was the jail administrator at the time Tim**
 3 **was elected sheriff.**
 4 Q When you were elected sheriff, was Cindy Moore
 5 still the jail administrator?
 6 A **No. She had gone out on a medical leave of**
 7 **absence, I believe she was out for close to two**
 8 **years. And I think Sergeant Nargis at the time**
 9 **was acting as jail administrator, and I believe it**
 10 **was Tim that promoted him and changed the**
 11 **administrator title to captain at that time and**
 12 **that was right shortly before he left office.**
 13 Q Do you personally know what Captain Nargis's
 14 training in jail operations is?
 15 A **Not off the top of my head.**
 16 Q Where would that information be kept?
 17 A **I would assume it's in his training file or his**
 18 **personnel file.**
 19 Q Tell me, if you know, what Captain Nargis's
 20 background is in jail operations.
 21 MR. BOHL: Objection. Asked and answered.
 22 You can answer.
 23 THE WITNESS: Sure. To my knowledge, I know
 24 he goes to the jail conferences every year. I
 25 know -- they have training through those. I don't
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1 know what training he went through prior. When I
 2 was a patrol officer I had no input or knowledge
 3 into anything happening in the jail. So I'm not
 4 familiar with anything prior to that. I'm just
 5 familiar with the job that he's done since I've
 6 been there. I'm aware he goes to those yearly
 7 conferences and trainings.
 8 BY MR. WEIDNER:
 9 Q Where are those jail conferences, you've referred
 10 to, held?
 11 A **I believe the majority of them are in the Dells.**
 12 Q And are those Wisconsin Department of Corrections?
 13 A **I believe so. Yes.**
 14 Q They are not national conferences?
 15 A **No.**
 16 Q When he comes back from those jail conferences, do
 17 you meet and talk about issues related to jail
 18 operations?
 19 A **Only if there's something specific -- if he wanted**
 20 **to make some major change in something or if there**
 21 **was a major new change in state law or something**
 22 **that would require a budgetary change.**
 23 Q When's the last time you recall having a
 24 conversation with him about a major change in
 25 something, as you put it?
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1 A I don't recall anything significant. A lot of our
2 primary discussions lately have been in some
3 conflicts we have had between probation and parole
4 and the jail and some of the state changes on how
5 they hold state inmates or state probation, is
6 they're violated. That's probably taken up the
7 majority of our conversations over the last year
8 or so.

9 Q Tell me about -- that's one of the changes. What
10 are the other conversations you've had with him,
11 and for lack of a better term, debriefing of sort
12 from the jail conferences?

13 A I wouldn't say he and I have had debriefing per
14 se. Like I said, that's a couple levels removed
15 from him. He may have had those discussions with
16 the Chief Deputy. I don't know. For my part,
17 what I'm typically concerned with is budgetary
18 items. If it's something that's going to require
19 budget support, then those are the things that
20 typically he and I would look into or discuss,
21 along with the Chief Deputy.

22 Q Tell me what you know of PREA?

23 A Prison Rape Elimination Act. We've had it
24 mentioned a few times at our sheriff's conference.
25 Again, I'm sure, as you know, an hour or less

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1 discussing it at a conference you aren't touching
2 the surface. Certainly I understand that any
3 contact between guards and inmates, inmates and
4 inmates, any of that has to be reported and acted
5 on, investigated as soon as possible. PREA is a
6 big subject and I don't claim to come anywhere
7 near to be an expert on that.

8 Q Well, you talked about, you might have talked
9 about it at -- I don't want to put words in your
10 mouth, by any means, but you mentioned it might be
11 mentioned at a sheriff's conference?

12 A Yes.

13 Q You go to an annual sheriff's conference?

14 A We meet quarterly. I do not -- I typically may go
15 to one of the four a year.

16 Q Where do the sheriff's conferences that you're
17 referring to now, are they held?

18 A They're all over the state.

19 Q Those are not in Colorado? Those are statewide?

20 A Correct.

21 Q And in those conferences, they might have
22 mentioned PREA? Is that what you're saying?

23 A Yeah. I know one specifically, DOC did come in
24 and talk about it, but again, it was a short
25 conversation. That was several years ago. I

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1 don't even remember where we were at, at the time.
2 I think it might have been Wisconsin Rapids, but
3 that's the only official scheduled discussions
4 that I recall on PREA.

5 Q On that PREA, tell me what you know of it.

6 MR. BOHL: I object to the form of the
7 question. I don't understand it.

8 BY MR. WEIDNER:

9 Q Do you understand it? Because he doesn't.

10 A I guess I understand it the same way as I tried to
11 explain before. My understanding is very limited
12 to, I know there's a law and I know there's some
13 requirements that that law requires or that PREA
14 requires on federal agencies. I know those are
15 best practices that we are aiming to try to get
16 to, but based on some of what they have as a best
17 practice, I don't believe fiscally we'll ever be
18 able to fully comply. I know the things we can
19 get to and that's where I'd like us to get.

20 Q What things would you like to get to?

21 A And again, I don't know the details. Certain
22 things, I know you have to have an officer that is
23 the PREA compliance officer that takes those
24 complaints and forwards them where they need to
25 go. You know, there's a policy that has to be in

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1 place. I know there's been some discussion and I
2 think when a correction officer of an opposite sex
3 comes into an area they're supposed to announce
4 themselves. I know there's been discussion as to
5 whether or not that can be done or should be done,
6 because of officer safety. If you're announcing
7 into a pod whether that can correct some officer
8 safety issues. Those are the types of things
9 we're trying to work through and figure out, if we
10 can get there.

11 Q Who are you trying to work through those best
12 practices with?

13 A Those are things that the captain is working on.

14 Q Are you having discussions with progress on those?

15 A I have not.

16 Q When you say the discussions, you're not part of
17 the discussion?

18 A Typically if anything -- of course, after this
19 case came up, my discussion with him is we need to
20 get as much as possible in compliance. Since then
21 my world has been crazy with the chief deputy
22 leaving and the captain retiring and trying to do
23 more than one job. So I haven't been able to
24 focus on any one thing. I'm just trying to, at
25 this point, keep the ship floating.

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1 Q When you talk about that you're aware of some of
 2 the best practices and you've identified that
 3 there are certain policies that need to be in
 4 place.
 5 A **Uh-huh.**
 6 Q Is that a yes?
 7 A **Yes.**
 8 Q Do you know whether or not those policies are in
 9 place?
 10 A **I believe they are. My understanding is that they**
 11 **are.**
 12 Q And which policies are they, specifically, if you
 13 know?
 14 A **I don't know specifically.**
 15 Q Who would have put those policies in place?
 16 A **Captain Nargis.**
 17 Q Has Captain Nargis reported back to you in any
 18 form or fashion that says, the policies for PREA
 19 are in place and we are compliant?
 20 A **No. He has never said we are PREA compliant. No,**
 21 **that's never been said.**
 22 Q Do you know who your PREA compliance officer is?
 23 A **I'm assuming it's Captain Nargis.**
 24 Q Do you know that it's Captain Nargis?
 25 A **No.**

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1 Q Has PREA been a priority for you?
 2 A **I can't say it's been a priority, because I know**
 3 **we can't meet it completely. Certainly I would**
 4 **like those things in place and I have told the**
 5 **captain we need to move in that direction, but**
 6 **again, I've got so many areas of concern that I**
 7 **don't have time to focus on one thing. Those**
 8 **things are given to the captain to get done and he**
 9 **directs that.**
 10 Q Do you know what PREA is? Do you know what the
 11 purpose of PREA is?
 12 A **Obviously it's to stop and get to the root of**
 13 **sexual misconduct in jails and corrections.**
 14 Q To eliminate sexual assaults --
 15 A **Yes. Yes.**
 16 Q Do you know what you do to -- what your jail does
 17 to inform inmates of reporting sexual assaults?
 18 A **100 percent, no, but I believe it's in the**
 19 **handbook that is given to every inmate.**
 20 Q Do you know if there's any information from PREA
 21 that's suggested to be given to inmates?
 22 A **I'm not sure I understand that.**
 23 Q Do you know whether or not there's any -- that
 24 PREA suggests information to be given to inmates?
 25 A **I believe that's one of the things is that inmates**

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1 **are given that information.**
 2 Q Do you know whether or not your jail provides that
 3 information to inmates?
 4 A **I believe it's in the handbook.**
 5 Q Do you know if there's separate information about
 6 PREA that's given to inmates?
 7 A **No, I don't believe so.**
 8 Q You don't believe --
 9 A **I don't know. But I don't believe so.**
 10 Q Why not? Is that a budgetary issue?
 11 MR. BOHL: I object to the form of the
 12 question.
 13 THE WITNESS: And I'm not sure. That would
 14 probably be an answer more for Scott Nargis.
 15 BY MR. WEIDNER:
 16 Q You answered the question earlier that indicated
 17 that you don't comply with some parts of it or
 18 don't believe you can comply with parts of the
 19 best practices identified in PREA, because of
 20 budgetary constraints.
 21 A **Sure.**
 22 Q Do you know if -- if you don't provide the
 23 information on PREA reporting to an inmate, do you
 24 know if that's done because of a budgetary
 25 constraint?

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1 A **No, I don't know.**
 2 Q Do you believe that would be one of the budgetary
 3 constraints that would keep you from giving them
 4 information?
 5 A **I don't know that, but I wouldn't think so.**
 6 Q Tell me what you know or what your involvement
 7 with the investigation of Darryl Christensen's
 8 allegations of sexual assault?
 9 A **My involvement was very limited. Chief Deputy Moe**
 10 **received the information from an investigator from**
 11 **Burnett County. After he got off of that phone**
 12 **call he asked me or let me know, he advised me**
 13 **that he had taken that call. I assigned him to**
 14 **look into it and I had no direct part of that.**
 15 Q So that would have been Chief Deputy Moe?
 16 A **Correct.**
 17 Q Is that the extent of your involvement?
 18 A **He briefed me after his initial interviews as to**
 19 **what he had found. After that part I know they**
 20 **set up the meeting with Darryl Christensen, and it**
 21 **was during that information that I was called and**
 22 **I was advised that they believed there was enough**
 23 **that we were probably heading towards a**
 24 **termination. Shortly after that I was advised**
 25 **that he resigned. At that point I immediately**

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1 **told the chief deputy, the administrative, that**
 2 **the investigation is over, because once he's no**
 3 **longer an employee we don't have anywhere to go**
 4 **with that, but I think I contacted DCI by phone.**
 5 **I think Robert Powell was the guy in charge of the**
 6 **Eau Claire office at the time. I told him what we**
 7 **had and I wanted them to come in as an outside**
 8 **agency to conduct a criminal investigation.**

9 Q What did you do for the victims of the sexual
 10 assaults?

11 A **The victims, I know while they were in jail we**
 12 **allowed them better access to psychiatric**
 13 **services, if they requested. I'm not sure what**
 14 **else. I think any time they made a request we**
 15 **certainly took that into consideration and tried**
 16 **to assist them in whatever way we could.**

17 Q Did you bring in any special help to talk to them
 18 or discuss with them what occurred?

19 A **I know at least one had met with the psychiatrist**
 20 **or psychologist in the jail. I don't know to the**
 21 **-- obviously, I'm not privy to any of those**
 22 **conversations or who exactly they talked to.**

23 Q Post October of 2014 and post termination of -- he
 24 wasn't terminated, I guess he resigned, right, Mr.
 25 Christensen?

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1 A **Correct.**

2 Q Have you sat down and talked about your procedures
 3 with for reporting sexual assault in jail with
 4 Chief Deputy Moe?

5 A **Not that I recall. We did not even get the DCI**
 6 **report until probably -- they wouldn't give it to**
 7 **us until after he was sentenced, which ended up**
 8 **being only a couple weeks before Chief Deputy Moe**
 9 **retired. So I don't believe Steve Moe and I ever**
 10 **had a chance to review even what the investigators**
 11 **found in the criminal investigation.**

12 Q Why did Chief Deputy Moe retire?

13 A **I guess you'd have to ask him. He had, I think,**
 14 **34 years in and he was well over retirement age**
 15 **and just decided to go.**

16 Q Did this have any impact on his decision to
 17 retire, that you know of?

18 A **No, I have no idea.**

19 Q Have you had any conversations with any change of
 20 procedures or review of procedures with Captain
 21 Nargis since this incident?

22 A **One time we sat down with and I can't remember her**
 23 **name, from DOC, and we just had some general**
 24 **discussions on a -- she provided some PREA**
 25 **information.**

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1 Q Do you know who that is?

2 A **If I heard her name I would remember. But I think**
 3 **she is fairly high up in DOC. I can't recall her**
 4 **name.**

5 Q Do you have any way of finding that record that
 6 would indicate who she is?

7 A **I might be. I can certainly try to come up with**
 8 **that. Captain Nargis will I'm sure remember. He**
 9 **deals with DOC a lot more than I do.**

10 Q Can you tell me what you recall of that
 11 conversation?

12 A **It was just very general. She provided some**
 13 **copies of posters and stuff that we could get or**
 14 **make ourselves to put up in the jail. I think it**
 15 **was just more of a general -- I think I had**
 16 **expressed to her that when I get a chance to**
 17 **review the full DCI investigation that I wanted to**
 18 **sit down with our regional jail inspector just to**
 19 **discuss what his opinions and suggestions were in**
 20 **moving forward.**

21 Q Who is your regional jail inspector?

22 A **Brad and I can't recall his last name right now,**
 23 **but it's Brad.**

24 Q Do you know who he works with or works for?

25 A **He works for DOC, and he's the regional jail**

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1 **inspector. He does our jail inspection every year**
 2 **or has been. He's been there a couple of years**
 3 **now.**

4 Q What does the jail inspector review?

5 A **My understanding is, just to make sure we're in**
 6 **compliance with DOC 350 and the other rules and**
 7 **laws that DOC has to run jails.**

8 Q Do you know whether or not those posters that were
 9 given to you are displayed in your jail for
 10 inmates?

11 A **No, I don't.**

12 Q Have you asked Captain Nargis whether or not they
 13 are?

14 A **No, I haven't.**

15 Q Do you think it would be a good idea if they were
 16 recommended by DOC?

17 A **Yes.**

18 Q Would it surprise you if they weren't?

19 A **Surprise me? Nothing surprises me. Would it**
 20 **disappoint me? Probably.**

21 Q Why?

22 A **Because it's a cost effective way of getting the**
 23 **information out.**

24 Q To inmates?

25 A **Yes.**

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1 Q Have you ever asked Captain Nargis if they were?

2 A **No.**

3 Q Does Captain Nargis have reviews annually?

4 A **Yes.**

5 Q Do you have records of those annual reviews?

6 A **The reviews just started last year, and my guess**

7 **is that it's in there somewhere. The chief deputy**

8 **would review the captain.**

9 Q When you say they just started last year, what do

10 you mean by that?

11 A **The county had kind of ended personnel reviews.**

12 **I'm not exactly sure why. That was years ago.**

13 **They basically just stopped doing them, but it's**

14 **been brought back in the last, I think the last**

15 **year is the first year they started wanting them**

16 **done again.**

17 MR. WEIDNER: Off the record.

18 (Off the record.)

19 BY MR. WEIDNER:

20 Q Do you know why they cancelled the reviews?

21 A **I have no idea.**

22 Q If I were to ask you questions about specific jail

23 procedures, you wouldn't have any idea, would you?

24 A **No, sir.**

25 Q Do you know Allen Jorgenson?

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1 A **Yes.**

2 Q Are you familiar with the circumstances or

3 allegations of Allen Jorgenson having

4 inappropriate contact with inmates?

5 A **I'm familiar with the incident happening, the**

6 **investigation or when they looked into it. I**

7 **wasn't involved directly. I believe I was present**

8 **when we talked to Allen at one point and then**

9 **resigned shortly thereafter.**

10 Q Do you know who was in charge of the jail when

11 Mr. Jorgenson was investigated?

12 A **I believe I was sheriff, so it would have been**

13 **Captain Nargis.**

14 Q Do you know what the disciplinary action was, if

15 any, was taken against Mr. Jorgenson?

16 A **That would be in his personnel file. I don't**

17 **recall if we had come to a final discipline or if**

18 **he resigned prior to that.**

19 Q At that point when you were sheriff, had you been

20 aware of PREA when you were doing that

21 investigation?

22 A **I don't believe so. That was pretty early on in**

23 **my term, if I remember correctly.**

24 Q Do you recall if in that investigation whether or

25 not the inmate who was allegedly inappropriately

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1 touched was interviewed?

2 A **I don't recall. I don't know.**

3 Q Do you believe that would be a good practice to

4 interview the inmate who was allegedly touched?

5 A **Yeah, I believe so. Yes.**

6 Q Do you know if it was reported to the DCI?

7 A **I have no idea.**

8 Q Did you request a criminal investigation be

9 completed against Mr. Jorgenson?

10 A **I did not request that, no.**

11 Q Why not?

12 A **I don't recall specifically, but my assumption**

13 **would be that we didn't have enough information to**

14 **make a credible complaint.**

15 Q Do you know whether or not -- that's right. You

16 don't know whether or not that inmate that was

17 alleged to have been touched was interviewed.

18 Right?

19 A **Right. I don't know.**

20 Q Would that have been one method in which to gather

21 enough information to make a credible complaint?

22 MR. BOHL: Objection. Argumentative.

23 Hypothetical. Calls for speculation. Vague.

24 THE WITNESS: Yes.

25 BY MR. WEIDNER:

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1 Q One of the budgetary concerns that you have about

2 compliance with PREA have to do with cameras?

3 A **Oh, of course. That would be part of, absolutely.**

4 **It's not just the cameras. It's the storage of**

5 **the footage and how do you review it. There's all**

6 **sorts of -- when you talk cameras, there's many**

7 **aspects when it comes to budget on all of that and**

8 **how it would affect it.**

9 Q Data storage?

10 A **Absolutely, yeah, that would all be part of it.**

11 Q When is your term up?

12 A **January 7, 2019.**

13 MR. WEIDNER: Thank you. I have no further

14 questions.

15 THE WITNESS: Thank you.

16 MR. BOHL: Any questions on the phone?

17 MR. DE VRIES: No, sir.

18 MS. LUBINSKY: None for Lori.

19 (The deposition was concluded at 10:40 a.m.)

20

21

22

23

24

25

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1 STATE OF MINNESOTA)
2 COUNTY OF HENNEPIN)

3
4 Be it known that I took the foregoing deposition
of Peter Johnson;

6 That I was then and there a notary public in
and for the County of Hennepin, State of Minnesota;

7 That by virtue thereof, I was duly authorized
to administer an oath;

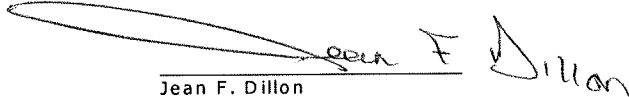
8 That the witness was by me first duly sworn
to testify the truth, the whole truth and nothing
9 but the truth concerning the matter in controversy
aforesaid;

10 That the foregoing transcript is a true and
11 correct transcript of my stenographic notes in said
matter;

12 That I am not related to or an employee of
13 any of the parties hereto, nor a relative nor
employee of any attorney or counsel employed by the
14 parties hereto, nor interested in the outcome of the
action;

15 That the cost of the original has been
16 charged to the party who noticed the deposition, and
that all the parties who ordered copies have been
17 charged the same rate for said copies;

18 WITNESS MY HAND AND SEAL this 2nd day of
June, 2016.

19 
20
21 Jean F. Dillon
22 Notary Public, Hennepin County, Minnesota
23 My Commission expires January 31, 2020
24
25

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